

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ANGELA L. LAWHON,)	
as Administrator of the Estate of)	
JOSHUA L. LAWHON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:19-CV-924-HEH
)	
JOHN EDWARDS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER
(Defendants' Motions to Dismiss)

THIS MATTER is before the Court on Defendants' Motions to Dismiss Plaintiff's Complaint (collectively referred to as "Motions"), pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF Nos. 9, 16, 18). For the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that:

1. Defendants' Motions, with respect to Count I of Plaintiff's Complaint, is GRANTED. Accordingly, Count I of Plaintiff's Complaint is DISMISSED.
2. Defendants' Motions, with respect to Count II of Plaintiff's Complaint, is GRANTED IN PART AND DENIED IN PART. The Motions, as they pertain to any allegation in the Complaint asserting that Defendants used excessive force in initially seizing and restraining Joshua L. Lawhon ("Lawhon"), up to the point of handcuffing him, are GRANTED, and those allegations are DISMISSED. However, the Motions, as they pertain to any allegation in the

Complaint claiming that Defendants used excessive force after securing Lawhon in handcuffs, are DENIED.

3. Defendants' Motions, with respect to Counts III and IV of Plaintiff's Complaint, are GRANTED. Accordingly, Counts III and IV of Plaintiff's Complaint are DISMISSED.
4. Defendants' Motions, with respect to Counts V and VI of Plaintiff's Complaint, are GRANTED IN PART AND DENIED IN PART. The Motions, as they pertain to any allegation in the Complaint that Defendants' conduct constituted a battery for the force used to initially seize and restrain Lawhon, up to the point of handcuffing him, are GRANTED, and those allegations are DISMISSED. However, the Motions, as they pertain to any allegation in the Complaint that Defendants' conduct constituted a battery for the force used after Lawhon was secured in handcuffs, are DENIED.
5. Finally, because the Court has now resolved the Motions to Dismiss, the stay this Court imposed on discovery in this matter, issued on May 28, 2020, is HEREBY LIFTED.

The Clerk is directed to send a copy of the Memorandum Opinion and Order to all counsel of record.

It is so ORDERED.



/s/

Henry E. Hudson
Senior United States District Judge

Date: August 10, 2020
Richmond, VA